

## **SECTION 11.50 NON-CONTRACT GRIEVANCE PROCEDURE**

**Last Update: 7/12**

### **Definition**

A non-contract grievance is any dispute between the employer and the employee with respect to the conditions of employment.

A contract-covered employee must file a non-contract grievance if the issue being grieved is not covered by the collective bargaining agreement.

### **Appeals of Disciplinary Action**

A non-temporary, non-contract employee who is covered by merit system provisions and is disciplined (suspension, reduction in pay, demotion, or discharge) shall bypass Steps 1 and 2 of the grievance procedure provided below and must file a written appeal to the Chief Operating Officer of DAS-HRE at Step 3 of the grievance procedure within seven (7) calendar days after the effective date of the action in accordance with [11 IAC 61.2\(6\)](#).

A non-temporary, non-contract employee who is covered by merit system provisions and receives discipline in any other form than described above (written reprimand) must file a grievance beginning with Step 1 of the grievance procedure outlined below within fourteen (14) calendar days after the effective date of the action.

### **Steps**

Step 1: An employee must initiate the grievance by submitting it in writing on the Non-Contract Grievance Form ([CFN 552-0248](#)) to the immediate supervisor within fourteen (14) calendar days after the time the employee became aware of or should have become aware of the grievance issue. The supervisor shall give a decision in writing to the grievant within seven (7) calendar days. The supervisor shall give a copy of the grievance and the written response to the personnel officer and the next higher management authority.

Step 2: A grievant who is not satisfied with the first step response may file the written grievance with the designated management representative at Step 2 in the agency's grievance process within seven (7) calendar days after receipt of the Step 1 decision. The designated management representative must give a decision in writing to the grievant within seven (7) calendar days after the grievance was received at Step 2. The management representative shall give a copy of the grievance and the written response to the personnel officer and the next higher management authority.

Step 3: A grievant who is not satisfied with the Step 2 decision, may file the written grievance with the Chief Operating Officer of DAS-HRE within fourteen (14) calendar days after the Step 2 decision is received or should have been received. For appeals of disciplinary actions involving suspension, reduction in pay, demotion, or discharge, an employee must file an appeal within seven (7) calendar days as outlined above. The Chief Operating Officer of DAS-HRE (or designee) shall give the grievant a written decision within thirty (30) calendar days after receipt of the grievance, with a copy to the agency director. If the grievant is dissatisfied with the Chief Operating Officer's response, and the grievance alleges a violation of Iowa Code Chapter 8A, subchapter IV; chapter 70A; or the DAS-HRE administrative rules in chapter 11, the grievant may file an appeal with the Public Employment Relations Board within thirty (30) calendar days following the date the Chief Operating Officer's response was received or should have been received.

## **Time Limits**

Grievances not appealed within the designated time limits at any step will be considered as settled on the basis of the last employer answer. Grievances not answered by the employer within the designated time limits may be taken to the next step. The parties may agree in writing at any step to extend the time limits.

## **Grievance Meetings**

The grievant, an employee who is the grievant's representative, and all other employees authorized by management to attend a grievance meeting shall be in paid status for time spent at the meeting, as well as time spent traveling to and from the meeting during their regularly scheduled hours of work. Employees who are eligible for overtime compensation shall be compensated for time spent outside their scheduled hours of work. The employee may not be represented by someone who would constitute a conflict of interest.

Travel expenses and state cars are authorized only for employees who are required by management to participate in the meeting.

## **Informal Settlements**

Prior to a hearing before the Public Employment Relations Board, the Employment Appeal Board, or the Classification Appeal Committee, an informal conference may be held in an attempt to resolve the dispute. If the Chief Operating Officer and the appellant agree to negotiate a settlement, the various points of the settlement shall be included in a written statement. Negotiations must be completed at least five (5) workdays prior to the hearing date unless additional time is agreed to by all parties. The settlement must be signed by the appellant and the Chief Operating Officer, and shall be binding.